

# Naples City Council

## November 12, 2015

### Minutes

The regularly scheduled meeting of the Naples City Council was held November 12, 2015, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

#### *DATE, TIME & PLACE OF MEETING*

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

#### *COUNCIL MEMBERS ATTENDING*

Others attending were Austin McGowan, Jim Harper, Owen Smith, John Jones, Jake Aquilar, Tyler McDougal, Isaac Varela, Liberty Best, Dale Peterson, Mark Watkins, Joshua Bake, and Nikki Kay.

#### *OTHERS ATTENDING*

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Robert Hall offered the invocation.

#### *OPENING CEREMONY*

Mayor Baker presented the agenda for approval. Councilman Reynolds said they could scratch item five because Mr. Howcroft would not be at the meeting. Councilman Kitchen said he had something to discuss under 'Other Matters.' Dennis Long **moved** to approve the agenda. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

#### *AGENDA APPROVED*

Mayor Baker presented the minutes of the October 22, 2015-city council meeting for approval. Mayor Baker said he had something from the previous meeting about the fence on 1750 South that need to be clarified. Nikki wondered if they could do that under the next item on the agenda. Dan Olsen **moved** to approve the minutes of October 22, 2015. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

#### *MINUTES APPROVED*

Mayor Baker wanted to clear up some confusion regarding the discussion on the fence on 1750 South from the last meeting. Mayor Baker said the County Commissioners wanted to fence off the field of the newly purchased property on the north side so the livestock could be turned

#### *FOLLOW UP ITEMS FROM PREVIOUS MEETING*

back in and they were not asking to fence off the road. They said there was some confusion about the stop work order being on the whole project when it was really only on the fence going across the road. Councilman Kitchen voiced his concern about everything for the turn around being done without any plan ever being presented to the City. Councilman Kitchen said they have hauled dirt in and built a turn around all without any prior approval of the City and without the City knowing if any of the soil compaction or dimensions for the turn around are to City standards. Councilman Kitchen said the city will look like the bad guys because the turn around is now done. Councilman Hall said maybe that was the plan. Mayor Baker said he is hearing this for the first time tonight because he thought they were still waiting to build the fence. Councilman Kitchen said the fence is up, the fill dirt is in, and the cold mix is down. He said there is a turn around. Councilman Olsen wanted to know if it was the right size. Joshua Bake said he had a conversation with the County Attorney's today and stated what needed to happen before the turn around was built, he stated the conversation apparently took place after the turn around was put in. Joshua said he would need to have a follow up conversation about why things happened in the order they did.

Joshua said as a follow up to the conversations about the contract with Timberline for the 500 South 2000 East project, he was not able to find a signed contract but he did find emails between Craig Blunt and Timberline that reference the agreement that was approved. Nikki wanted to know if the contract had an amount listed. Joshua said it did not. Nikki also wanted to know if it was for engineering or the project management phase. Joshua said it doesn't say.

Jake Aquilar wanted to know if they were talking about the golf course corner. Mayor Baker said they were. He wanted to know what the discussion was. Mayor Baker said they were talking about trying to find the signed contract with the Engineer of the project.

A member of the audience stated the construction of the project has been very inconvenient. Mayor Baker said it has but it will be about another week and it should be complete.

Nikki Kay presented the bills in the amount of \$38,223.48. Dennis Long **moved** to approve \$38,223.48. Robert Hall

***APPROVAL OF THE BILLS***

**seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

The discussion of volunteer service projects for the city was removed from the agenda.

***VOLUNTEER SERVICE  
PROJECTS FOR THE CITY***

Joshua Bake presented a zoning change for the Otter Creek Subdivision from RA-1 to RA-2. He said this was brought to their attention when a single lot split near Wildwood Subdivision was presented to him. He said the Subdivision consists of five lots with differing square footage. He said the lots are very different in size but because it is a subdivision, anyone wanting to split their lot would have to go through the process of amending a subdivision. Joshua said this area is zoned RA-1 which is residential-agricultural and allows for animals and very large lot sizes. He said the recommendation is to rezone this to an RA-2 because it is more inducive for houses and not as much agricultural. Joshua said an RA-1 and RA-2 are very similar but the major difference is the size of the lots. Josh said they already have one lot in the subdivision that is non-conforming for an RA-1 and it is also non-conforming for an RA-2 but it is closer. Joshua said they held a public hearing to discuss the rezone and three members of the public came to comment on it and all three were in favor of the rezone. Joshua said the Planning Commission unanimously approved to recommend to city council the rezone of Otter Creek Subdivision from RA-1 to RA-2. Joshua said he doesn't currently have an Ordinance for this change but will have it for the next meeting if Council approves this change. Gordon Kitchen stated, if the public was in approval, he would **move** to follow the recommendation of the Planning Commission to rezone Otter Creek Subdivision from RA-1 to RA-2. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative. One of the students asked about the RA-1 and RA-2 zones. Mayor Baker explained the different zones in the City and what is allowed in each.

***PLANNING COMMISSION  
REQUESTS - OTTER  
CREEK SUBDIVISION***

Appointment of alternate Planning Commission member. Joshua stated they have had several Planning Commission members leave which has left them with no alternates. He

said they have a full board, just no alternates. He said the members are spread throughout the city and the new person he would like to recommend lives in Hunter Hollow subdivision. The name he presented to the Council was Mishelle Rowell. Mayor Baker's recommendation was to appoint Ms. Rowell to the Planning Commission with council approval. Robert Hall **moved** to approve the appointment. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Joshua Bake presented the idea of re-branding for the City. Joshua said branding is so much more than a logo and a catch phrase, it is what a community is. Joshua said at a recent training some of the Planning Commission attended they discussed "what are the needs of the community" and "who are we?" Joshua said Casper just went through the re-branding process. He shared some of the reasons for good branding. Joshua wanted to know if the Council would be interested in moving forward with looking into it. Joshua said if they decided to move forward with doing it in-house and not hiring a consultant he does have recent experience with the process. He showed Council members some logos just to give them something to get the ideas going. Councilman Kitchen said he participated in the training Joshua talked about and felt they needed to work on identifying who we are and who do we want to become. He said recognizing that will help in moving forward with this. Gordon said the City is the heart of the energy service of Eastern Utah. Councilman Kitchen said they are on the right track but also thought it could take a while. Councilman Kitchen said they need to look at re-branding. Mayor Baker wondered if they want to do it in-house with the staff? Councilman Reynolds said he felt good with Joshua moving forward with it. Councilman Kitchen said the Planning Commission could be a resource for this also.

## ***CITY RE-BRANDING PROPOSAL***

Chief Watkins told the Council they will be retiring two of their K-9's and will be adding two new dogs. Chief Watkins said they have already been working with the new dogs and they are doing very well. He stated the cost for one of the dogs is \$3,000, which he has a grant for \$2,000 and the Police Association will pay the other \$1,000. Chief Watkins said they will be getting the other dog as part of an agreement with Oquirrburg Kennel and the agreement came from Dennis Judd's office. Chief Watkins asked for approval to surplus the two dogs and to allow him to purchase them for \$1.00 each and he will in turn hand them over to their

## ***APPROVE PURCHASE AND SURPLUS OF K-9'S***

handlers. He stated that Officer Simper will keep his dog and she will now become a house pet and he was not sure about the dog belonging to Corporal Whatcott. Chief Watkins praised Lieutenant Cox and stated they couldn't do this without an in house trainer, it is too expensive. Dan Olsen **moved** to retire the two K-9's and to proceed with the agreement with Oquirrburg Kennel to procure the one dog. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins then gave two dollars for the surplus of the two dogs.

This item was taken care of with the previous motion.

***A P P R O V E     K - 9  
A G R E E M E N T   W I T H  
O Q U I R R B E R G   K E N N E L***

Chief Watkins requested approval to purchase four new tires for one of the leased vehicles. He said there is quite a bit of wear on the new cars and the cost for a new set of speed rated tires is \$594.16. Dennis Long **moved** to approve the purchase. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

***A P P R O V E   P U R C H A S E   O F  
N E W   T I R E S***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins asked for approval to attend the midwinter Chief's conference in Sandy. The approval amount was \$380. Dan Olsen **moved** to approve \$380 for the Chief. Robert Hall **seconded** the motion. The motion passed with a roll call vote as follows:

***T R A V E L   A P P R O V A L***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Joshua Bake said there has been some discussion about the \$500 occupancy bond charged along with the building permit fee. Joshua said Councilman Olsen thought it had been eliminated. Joshua said they will also be discussing the fee schedule next on the agenda. Joshua said the bond will be part of the fee schedule but they will only be reviewing that tonight and not voting on it. Joshua said the occupancy bond fee has also been held to give incentive for the home owners to finish landscaping their front yard. He said if the landscaping has not been completed in the first year then the bond is forfeited to the City.

***DISCUSSION REGARDING  
THE CERTIFICATE OF  
OCCUPANCY BOND***

Dale Peterson said they have had some problems in the past with the bonds because they had some that were years old. Mr. Peterson said the bond has an expiration period of one year so they went back through the old ones and forfeited that money to the City. Mr. Peterson stated one of the problems he sees is with the contractor paying the bond as part of the building permit fee. The contractor might be building for a specific person yet get the building permit in his name and when the certificate of occupancy was issued the homeowner is often not aware of the bond and there is no reason for the contractor to pursue getting the bond back as they have already passed that cost onto the homeowner. Councilman Olsen wanted to know how the bond is tracked. Mr. Peterson stated the bond is collected and noted on the building permit. Councilman Olsen wanted to know if there is a tracking system. Mr. Peterson said the permit is not closed out until the bond is either refunded or forfeited. Mr. Peterson said a couple of times a year he will get a list from Connie and they review those. Councilman Hall said the contractor makes 100% profit on this. Mr. Peterson said they need to work on setting up language that states the homeowner would get the refund of the bond when the landscaping is completed. Mr. Peterson said not all zones require a landscaping bond. Councilman Olsen said in the Ordinance it is called an occupancy bond and doesn't refer to landscaping at all. Mr. Peterson said the consolidated fee schedule does list both the occupancy and the landscaping. Councilman Olsen recommended that in the comment section they specify what the bond is. He said what is posted on the internet is very confusing and he would like to see the internet show something similar to the response Dale gave in why the bond is being charged. He said they need to clarify this and what the bond covers and if the contractor

gets the money back or the homeowner. Councilman Olsen said he doesn't have an issue with the bond he just thinks it needs to be cleaned up.

Dale Peterson submitted changes he would like the Council to consider in the Consolidated Fee Schedule. Mr. Peterson said the fee schedule for the building permits doesn't work properly, there are errors in it. He said if the Council has anything they see in the schedule they would like to change they can incorporate those in, along with the change to the calculations for the building permits. Councilman Olsen referred Mr. Peterson to page three and pointed out the performance bond only shows it is for the certificate of occupancy and nothing about the landscaping. Mr. Peterson said he didn't include it because he wasn't sure they were going to keep the bond. Mr. Peterson said the Fire District fees are according to the schedule of the Fire District. Mr. Peterson included fees for construction of infrastructure when it's completed before approval is given. A member of the public asked about the soil testing they referred to. Mr. Peterson said whenever you deal with soil, concrete or asphalt you need to run tests to determine the makeup of the soil to see how it will hold up under the compaction or construction. Councilman Hall questioned the fee being charged by the Fire District for new construction. Mr. Peterson said they do add that to the cost of the building permit fee. The next section they reviewed was for the road department. He said the road department issues between 40 to 50 road cut permits per year and there has been no charge for those. He said the County charges for those according to the classification of the road. Mr. Peterson said there is nothing in place to protect the new section of road on 500 South 2000 East. Mayor Baker said they have always required a bond for the road cut but wanted to know if this would be a fee on top of the bond. Mr. Peterson said it would. He said it won't give you a better job on the repairs but it might deter people from digging. Mayor Baker and Councilman Kitchen wanted to know how these costs compare to Vernal City because it might be good to have similar fees. Mr. Peterson said he would see what he can find on Vernal City to see if they are going in the right direction. Councilman Hall told Dale he could take out the fines under the Fire Department and just reference the Fire District fee schedule. Mayor Baker encourage Dale to see what he could find on the fees charged by the County and Vernal City. Councilman Olsen said this was a great step forward and asked Mr. Peterson to try and eliminate some of the

***APPROVAL TO AMEND  
CONSOLIDATED FEE  
SCHEDULE***

confusion. Mr. Peterson said he hated charging for something without having it clearly in black and white.

Nikki Kay finally presented the Resolution for the changes to the budget that were discussed in the public hearing held on October 8, 2015. Dan Olsen **moved** to adopt Resolution 15-283. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dennis Long **moved** to convene into the Local Building Authority of Naples City to authorize payment to B.H.I. for the fire station contract. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Kenneth Reynolds **moved** to close the meeting of the Local Building Authority and to reconvene back into regular city council meeting. Dennis Long **seconded** the motion. The motion passed with all voting in favor.

Councilman Kitchen reported that Club XS will be providing Thanksgiving dinner for anyone who might be in need and this was something he wanted to talk with Mr. Howcroft about because it was brought up in a previous meeting they might have people interested in doing some service projects. Councilman Kitchen said because Mr. Howcroft was not at the meeting he would get with him later.

Councilman Hall wanted to know if they need to start holding discussions on what to do with the current fire station once the new one is complete. Mayor Baker said his first thought was to tear it down and turn the area into parking but he stated the police department would like to have it for training purposes and for storage of their trailer and equipment. Mayor Baker thought they might want to start those discussions soon, maybe in March or April. Councilman Hall said he just didn't want to come to the point where it was empty and people start to use it without any guidelines.

With no other business before the Council, Dennis Long **moved** to adjourn the City Council meeting at 9:30 p.m.

***APPROVE RESOLUTION  
15-283 AMENDING THE FY  
2015/2016 BUDGETS***

***CONVENE INTO THE  
LOCAL BUILDING  
AUTHORITY OF NAPLES  
CITY***

***RECONVENE BACK INTO  
CITY COUNCIL MEETING***

***OTHER MATTERS OR  
FUTURE COUNCIL  
MATTERS***

***MOTION TO ADJOURN***



Robert Hall **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

APPROVED BY COUNCIL ON THE 10<sup>th</sup> DAY OF DECEMBER 2015

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_